

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ALVIN COLE,

Petitioner,

Case # 21-CV-6564-FPG

v.

DECISION AND ORDER

MERRICK B. GARLAND, *Attorney General, United States,*

Respondent.

Pro se Petitioner Alvin Cole brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging his continued detention at the Buffalo Federal Detention Facility. ECF No. 1. On October 13, 2021, Respondent moved to dismiss the petition as moot in light of Petitioner's removal from the United States. ECF No. 4; ECF No. 4-1 ¶ 3. Because the Court agrees that the petition is now moot, Respondent's motion is GRANTED.

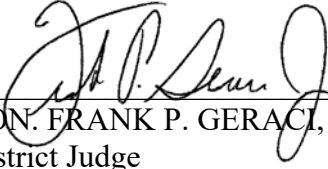
"[A] case is moot when the issues presented are no longer live or the parties lack a legally cognizable interest in the outcome." *Cuong Le v. Sessions*, No. 17-cv-1339, 2018 WL 5620290, at *2 (W.D.N.Y. Oct. 29, 2018). To the extent a habeas petition challenges only the alien's continued detention, the petition becomes moot once the petitioner is removed. *See, e.g., Torres v. Sessions*, No. 17-CV-1344, 2018 WL 5621475, at *2 (W.D.N.Y. Oct. 29, 2018) (collecting cases); *Garcia v. Holder*, No. 12 Civ. 3792, 2013 WL 6508832, at *2 (S.D.N.Y. Dec. 11, 2013) (same). This is because the relief sought in the "habeas proceeding—namely, release from continued detention in administrative custody—has been granted." *Arthur v. DHS/ICE*, 713 F. Supp. 2d 179, 182 (W.D.N.Y. 2010). Accordingly, Petitioner's challenge to his continued detention has become moot in light of his removal, and his petition is dismissed. *See id.*

CONCLUSION

For the foregoing reasons, Respondent's motion to dismiss (ECF No. 4) is GRANTED, and the petition (ECF No. 1) is DISMISSED. The Clerk of Court is directed to enter judgment and close this case.

IT IS SO ORDERED.

Dated: December 20, 2021
Rochester, New York



HON. FRANK P. GERACI, JR.
District Judge
United States District Court